香港申訴專員公署

Office of The Ombudsman, Hong Kong



主動調查報告

Direct Investigation Report

房屋署公共屋邨遊樂及健體設施的保養與維修

Maintenance and Repair of Play and Fitness Equipment in Public Rental Housing Estates Managed by Housing Department

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Executive Summary
Direct Investigation Report

Maintenance and Repair of Play and Fitness Equipment in Public Rental Housing Estates Managed by Housing Department

Introduction

Public rental housing ("PRH") estates in Hong Kong accommodate a large number of residents. In planning these estates, the Hong Kong Housing Authority ("HKHA") reserves leisure and recreational space for residents, with children's playgrounds and fitness equipment provided. There were over 5,000 pieces of play and fitness equipment in PRH estates under HKHA as at June 2020.

2. In recent years, there have been reports about many play and fitness equipment in PRH estates being in a state of disrepair or delays in repairing these facilities, rendering them unavailable for a prolonged period. Moreover, some people find the design of these facilities to be outdated and uninspired, falling short of meeting the leisure and fitness needs of the public.

Our Findings

3. This direct investigation has revealed the following areas for improvement on the part of HKHA/the Housing Department ("HD") regarding the design and maintenance and repair of play and fitness equipment in PRH estates.

(I) Setting Reasonable Time Frames for Different Procedures for Repairs

4. HD has established basic procedures for following up on repairs of play and fitness equipment in PRH estates, and time frames for some of the procedures. Nevertheless, no time frames are set for two procedures, namely estate management staff to report damage of facilities and works staff to issue inspection orders.

5. According to our findings, between 2017 and 2019, there were cases where HD staff issued an inspection order to the contractor concerned for arranging inspection more than 30 days after finding out the damage of facilities. In our view, HD should

set appropriate time frames for estate management staff to report damage of facilities and for works staff to conduct inspection after receiving such reports and issue inspection orders, so that the progress of repairs of playground facilities will not be hindered by other repairs in PRH estates.

6. Where the PRH estate concerned comprised divested properties, HD often needs to consult residents and other stakeholders after receiving the inspection report and repairs suggestion from the contractor. Our investigation has found that the consultation and discussion involved usually take several months. This resulted in the repairs for the damaged playground facilities being left pending for more than six months, which is unsatisfactory. We are pleased to note that after the commencement of our investigation, HD planned to discuss with Link Real Estate Investment Trust, the biggest owner of divested properties in PRH estates, to set time frames for consultation procedures regarding decision on repair so that frontline staff of the estates can have a set of uniform criteria for reference.

(II) Stepping Up Monitoring of Whole Repair Process

7. While HD's Enterprise Resource Planning System ("ERP System") records and manages information relating to the repair works undertaken by the contractors, there are no systematic records but only handwritten entries in the PRH estates' routine inspection records as to when estate management staff found out the damage of play equipment, whether works staff had been requested to conduct inspection and when they conducted the inspection. Nor has HD introduced any measures for monitoring whether works staff issue repair orders within 30 days after receiving inspection reports from the contractors. Under such circumstances, HD is unable to know the efficiency of follow-up actions by individual estates or by the Department as a whole.

8. We consider it necessary for HD to enhance the mechanism by taking a more proactive and comprehensive approach in monitoring the whole repair process regarding playground facilities in PRH estates to ensure timely follow-up action for each case. Data collected will be useful for future review on the relevant procedures and devising enhancement measures to further improve the quality of service. In the long run, HD should consider recording in the ERP System information about the procedures handled by HD's frontline staff. On the one hand, the ERP System can accurately and conveniently remind frontline staff to take timely follow-up action. On the other hand, it enables HD to monitor the situation and grasp a clearer picture of the time required for the maintenance and repairs of facilities in general.

(III) Strengthening Training of Frontline Staff Regarding Condition of Damaged Facilities And Necessary Temporary Measures

9. We have found in some cases that individual frontline staff had failed to report and follow up on the aging and damage of rubber tiles in a timely manner. If frontline staff fail to identify accurately the condition of damaged facilities and potential safety risks, it will undermine the effectiveness of maintenance and repair of facilities, thereby causing inconvenience and even safety risks to residents.

10. Moreover, HD requires estate frontline staff to fence off damaged playground facilities where necessary, and instructs the contractors to fence off or remove promptly the dangerous parts to ensure that the rest of the facilities is safe for use. Nevertheless, in some cases, the HD staff concerned did not have the awareness to implement temporary measures as soon as practicable. Nor had they paid attention to the adequacy of temporary measures implemented by the contractors. Frontline staff of the estates concerned also failed to provide adequate information at the site to notify members of the public of the repair arrangement.

11. Apart from the gaps of loosened tiles, which are measurable, whether the wear and tear of tiles and other facilities is serious and whether they should be repaired immediately or replaced are mainly determined by the judgement of frontline staff. Hence, HD must strengthen the training of frontline staff and provide clear and specific guidelines to foster their awareness about safety so that they will properly record and report the wear and tear of facilities, engage contractors to follow up on repairs in a timely manner and provide residents with information about the repair works concerned and/or post a notice to announce the suspension of facilities.

(IV) More Stringent Supervision over Contractors

12. Under the prevailing policy, contractors undertaking the maintenance and repairs of play/fitness equipment in PRH estates under HKHA must be the sole agent of the relevant manufacturers in Hong Kong. As there are only a few contractors, it can be expected that competition is limited. HKHA and HD should therefore take positive steps and exercise more stringent supervision over the contractors to urge them to enhance their efficiency and provide services properly.

Monitor proactively progress of repair orders

13. Currently, HD mainly looks into the reason for delays upon the contractors' completion of the repair works and then rate their performance. Depending on the seriousness of the delays, HD will consider issuing warning letters and removing or suspending the contractors concerned from the Play/Fitness Equipment Agents Reference List. We opine that HD should proactively monitor the commencement and progress of works after issuing a repair order. That will include regular meetings hosted by the contract manager to monitor works progress and requiring the contractors to report the works progress on their own initiative. In case any sign of delay is detected, HD can immediately remind the contractor to follow it up closely so that the possibility and extent of delay could be minimised.

Take serious follow-up action against delays

14. In our opinion, HKHA/HD should review the existing system for monitoring contractors and promptly demand follow-up action and improvement by the contractors when problems are found. HKHA/HD should also introduce tougher measures to monitor and manage contractors with poor performance and increase the penalty, which include exploring the feasibility of providing other Government departments with the performance rating of those contractors as reference so that other departments can take the information into account when examining the tenders for other works submitted by the contractors concerned.

Centralised review on performance rating of contractors

15. HD indicated that it would consider whether the contractors could provide reasonable explanation for delays in repair works when assessing their performance and giving ratings for future reference. However, in our case studies, we found that some works staff deviated from HD's technical guide for maintenance and repairs ("Technical Guide") when rating contractors' performance. HD responded that it was planning to introduce a centralised review mechanism to ensure frontline staff's compliance with the Technical Guide in assessing contractors' performance in repair works so that the performance rating could truly reflect the contractors' performance. We consider such a mechanism necessary, and that HD should also provide works staff who are responsible for giving performance rating with more specific guidelines on performance rating, including listing the factors to be considered and trying to provide examples for reference.

(V) Proactively Improve Design of Play and Fitness Equipment

16. In our view, HD should explore designs that can improve playground facilities in PRH estates in future so as to accommodate the needs of the public. Besides, we hope that HKHA could be more proactive in exploring ways to bring in more contractors to provide more choices in procuring facilities and increase competition among contractors, thereby improving their performance in carrying out repair works.

17. Moreover, HD might need to prepare a survey for soliciting views on the play and fitness equipment in PRH estates particularly, covering residents of different age groups so as to better understand the residents' comments on those facilities and enable HD to draw up design/procurement proposals that most suit users' needs.

18. Although playgrounds in PRH estates are mainly for residents of the estates, HD can still engage the community to gather opinions from different parties on the design or replacement of facilities. We notice that HD has previously included participation of different organisations in art creation in PRH estates. We encourage HD to continue with its effort in this aspect and make reference to these examples and consider launching more channels for public engagement in the design of playgrounds in PRH estates.

Recommendations

19. In view of the above, The Ombudsman has made the following recommendations to HKHA and HD:

(1) set reasonable time frames for estate management staff to report damage of facilities and for estate works staff to conduct inspections after receiving reports and issue inspection orders to the contractors;

(2) set reasonable time frames for the procedures on consulting other owners in PRH estates with divested properties on repairs of play/fitness equipment within the estates;

(3) establish an effective mechanism and specific measures for more stringent monitoring of the whole repairs process regarding playground facilities in PRH estates;

(4) consider recording in the ERP System the dates on which damage are found and other procedures taken care of by HD's frontline staff are completed and the outcomes thereof;

(5) strengthen the training of frontline staff regarding inspections of play and fitness equipment and provide clear guidelines so that frontline staff will properly record and report damage of play and fitness equipment, engage contractors to follow up on repairs in a timely manner and provide residents with information about the repair works concerned and/or suspension of facilities as appropriate;

(6) monitor more proactively the commencement and progress of works after issuing repair orders for play and fitness equipment, and draw up guidelines to set out relevant instructions for estate frontline staff;

(7) review the existing system for monitoring contractors and promptly demand follow-up action and improvement by the contractors when problems are found, and discuss with HKHA's Contractors Review Committee (Building-Maintenance) and Play/Fitness Equipment Review Board on stepping up measures to monitor and manage the contractors with poor performance and increasing the penalty;

(8) set up a centralised review mechanism for checking the rating of contractors' performance by frontline works staff, and provide more specific guidelines on assessment criteria;

(9) explore ways to bring in more contractors in order to provide more choices in procuring facilities; and

(10) consider introducing different methods to increase public participation in the design and procurement of play and fitness equipment in PRH estates so as to enhance the quality of leisure space.

Office of The Ombudsman
October 2020

1

INTRODUCTION

BACKGROUND

1.1 Public rental housing ("PRH") estates in Hong Kong accommodate a large number of residents. In planning these estates, the Hong Kong Housing Authority ("HKHA") reserves space suitable for residents' leisure and recreational activities. To keep pace with social changes, HKHA has installed fitness equipment (including some especially for the elderly) in addition to children's playgrounds. There were over 5,000 pieces of playground facilities including children's playgrounds and fitness equipment in PRH estates managed by HKHA as at June 2020.

1.2 In recent years, there have been reports about many play and fitness equipment in PRH estates being in a state of disrepair or delays in repairing these facilities, rendering them unavailable to PRH residents for a prolonged period. Moreover, many people find the design of play and fitness equipment in PRH estates to be outdated and uninspired, falling short of meeting the outdoor leisure and fitness needs of the public.

1.3 After preliminary inquiry, The Office of the Ombudsman decided to launch a direct investigation pursuant to section 7(1)(a)(ii) of The Ombudsman Ordinance (Cap. 397) on 21 May 2020 to examine the maintenance and repair of play and fitness equipment in PRH estates.

SCOPE OF INVESTIGATION

1.4 HKHA and its executive arm, the Housing Department ("HD") are the subject organisation in this direct investigation. The scope of investigation covers:

- whether the mechanism for routine inspections, maintenance and repair of play and fitness equipment in PRH estates is comprehensive;

- whether monitoring of the performance of contractors of play and fitness equipment in PRH estates is adequate;

- whether the needs of residents have been taken care of in selecting the play and fitness equipment for PRH estates; and

- any areas for improvement.

PROCESS OF INVESTIGATION

1.5 In this direct investigation, this Office has mainly:

- examined HD's procedures and mechanism for maintenance and repair of play and fitness equipment in PRH estates;

- sought to understand the measures of HKHA and HD for monitoring the contractors' performance in the maintenance and repair works;

- conducted site inspections; and

- invited members of the public to give their views.

1.6 On 17 August 2020, we issued the draft investigation report to HKHA and HD for comments. This final report, incorporating their comments, was completed on 27 October 2020. The full report has been uploaded to this Office's website (www.ombudsman.hk).

2

DESIGN, MAINTENANCE AND REPAIR AND REPLACEMENT OF PLAY AND FITNESS EQUIPMENT IN PRH ESTATES

RESPONSIBILITIES OF HKHA/HD

2.1 According to HD, PRH estates under the management of HKHA, can be categorised as estates with and without divested properties. As at June 2020, estates with and those without divested properties each accounted for about 50% of the 189 PRH estates managed by HKHA. While HD is responsible for the management and maintenance and repair of playground facilities in PRH estates wholly owned by HKHA without divested properties, those responsibilities regarding play and fitness equipment in PRH estates with divested properties should be borne by the respective owners of the sites where such facilities are installed. Details are in **Table 1** below.

Table 1: Responsibility for management and maintenance and repair of play and fitness equipment in PRH estates with divested properties

Ownership of the sites where play/fitness equipment are installed	Parties responsible for management and maintenance and repair of play/fitness equipment
(1) Wholly owned by HKHA	HD takes full responsibility and acts according to the established mechanism of HKHA and HD.

Ownership of the sites where play/fitness equipment are installed	Parties responsible for management and maintenance and repair of play/fitness equipment
(2) Jointly owned by HKHA and other individual owners (e.g. Link Real Estate Investment Trust ("Link REIT"))	Under the deed of mutual covenant ("DMC"), HKHA as the manager is responsible for the maintenance and repair of facilities, which will be executed by HD. Basic workflow is the same as that of PRH estates without divested properties, and related fees are to be paid by HKHA and the owners concerned in proportion to the shares owned.
(3) Wholly owned by other owners (not including HKHA)	The owners concerned are fully responsible for the management and maintenance and repair of facilities.

2.2 This direct investigation covers only the play and fitness equipment on sites within PRH estates without divested properties and those falling into category (1) and (2) of **Table 1**. The facilities on sites mentioned in (3) are not managed by Government departments and hence not included in the scope of this direct investigation. As the management and maintenance and repair of the communal areas and facilities in estates under the Tenants Purchase Scheme[1] fall on the Owners Corporation of the estates concerned, which will appoint an estate management company to execute the duties, HKHA only participates as one of the owners in making decisions relating to any maintenance and repair. Therefore, the playground facilities in those PRH estates are also beyond the scope of this direct investigation.

DESIGN OF PLAYGROUND FACILITIES

2.3 HD explained that the principle of design for the community playground facilities (including children's playgrounds) in PRH estates is to provide open space for the common enjoyment of different users including children, adults, elderly as well as the disabled in accordance with the Hong Kong Planning Standards and Guidelines. HKHA has adopted the concept of "communal leisure" to integrate children's playgrounds with recreational facilities for different users in one community playground

[1] In early 1998, HKHA launched the Tenants Purchase Scheme to allow public housing tenants to purchase at concessionary rates their housing units and become the owners.

in order to create a living environment for sharing among different sectors of the community in harmony.

2.4 According to information from the Government[2], HKHA has all along been adopting a pragmatic approach and fulfilling international safety standards when designing children's playground, and has been selecting materials that are durable and easy to maintain. Where feasible, HKHA will also conduct public engagement activities to collect stakeholders' views on proposed playground facilities.

2.5 Currently, most children's playgrounds in PRH estates use multi-play equipment and movable parts. In some PRH estates, individual swings, climbing frames and slides are installed to accommodate the development needs of older children. Moreover, HD completed a scheme in March 2019 to install recreational facilities for elderly in 102 PRH estates with a higher ratio of elderly households. As at June 2020, there were about 1,900 sets of fitness facilities and equipment for elderly in PRH estates.

2.6 For every newly completed PRH estate, HKHA will engage an independent marketing research agency about one year after an estate start taking in residents to conduct a questionnaire survey to gauge residents' opinions on certain elements of design of the estate upon its completion and after they have used the facilities therein. Opinions gathered will provide reference for future planning of the design of PRH estates. Such elements of design include the interior of housing units, design and installations in the communal areas of buildings, outdoor areas of estates (including the play and fitness equipment therein), etc. Nevertheless, HD pointed out that playground facilities are not among the items with compulsory questions, and the marketing research agency would prepare tailor-made questionnaires for each estate. HD mainly invites those households having moved into their units for more than six months to participate in the surveys, and randomly selects one household member who is aged 18 or above to engage in a face-to-face survey. Based on the residents' opinions collected, HKHA will conduct a review and keep the relevant information as reference for planning new facilities in future.

2.7 We have examined the results of surveys conducted in three PRH estates randomly selected among estates which started taking in residents between 2016 and 2017, and in two of these surveys households were requested to comment on the

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2 "LCQ2: Public playgrounds for children", the press release published by the Government of Hong Kong Special Administrative Region on 11 July 2018.

playground facilities in the estates concerned. The results reveal that more than 70% of the households in the two PRH estates responded with "no comment", "fair" or "satisfactory" regarding the active play equipment in the estates. As the questionnaires were designed to gauge residents' opinions about various facilities, the results only reflect the general impression they had about play/fitness equipment in the PRH estates.

REGULAR MAINTENANCE INSPECTIONS

2.8 HD explained that it has laid down internal instructions and guidelines on regular inspections of playground facilities in PRH estates and timely arrangement for maintenance and repair. Details of the inspection arrangement are listed in **Table 2** below.

Table 2: HD's arrangement for regular inspections of playground facilities in PRH estates

Frequency	Action officer	Details of inspections
Daily	Estate management staff	Visually inspect the facilities and notify works staff to arrange inspection in case of wear and tear found.
Monthly	Estate works staff	Visually inspect the facilities and arrange professional inspection and repair by contractors in case of damage found.
Annually	HD district works staff	Conduct technical inspection for facilities and examine the previous record of repairs in order to plan for maintenance and repair works for the coming year.

2.9 HD invites tenders biannually for appointment of independent safety consultants to conduct inspections, and the successful tenderer will conduct safety inspections on the play and fitness equipment in all PRH estates managed by HKHA, recommend necessary repairs and submit reports to HD within two years. Where the independent safety consultant has recommended repairs of playground facilities, HD will inform the contractor concerned to take follow-up action and engage its Qualified Playground Safety Inspectors ("QPSI") to confirm whether the relevant inspection report and recommended repairs meet the international safety standards.

REPAIR PROCEDURES

2.10 The basic procedures for repairing playground facilities in PRH estates are listed in **Table 3** below.

Table 3: General procedures for repairing playground facilities in PRH estates

Procedures	Relevant actions	Time frame for the actions
1	On receiving any reports from residents or finding out any damaged facilities during routine inspections, estate management staff to request works staff to conduct an inspection.	(No time frame)
2	Estate works staff to conduct a preliminary site inspection, record the condition of the facilities and if necessary, fence off the facilities concerned. Where repairs are considered necessary, works staff to issue an electronic inspection order to the contractor via the Enterprise Resource Planning System ("ERP System").	(No time frame)
3	The contractor to inspect the facilities concerned on-site and submit an inspection report and repair suggestions to HD.	Inspection to be completed and the report and repair suggestions to be submitted within 10 days[3] from the receipt of the inspection order.
4	Estate works staff to examine the contractor's report, and issue a repair order to the contractor if repairs are deemed necessary.	Estate works staff to decide whether repairs are necessary and then issue a repair order to the contractor within 30 days from the receipt of the contractor's report.

3 HKHA uses calendar days (not working days) to calculate the time frames or the time required for repairs of play and fitness equipment in PRH Estates. Hence, the number of days mentioned in this direct investigation report refers to the number of calendar days.

Procedures	Relevant actions	Time frame for the actions
5	The contractor to carry out the repair works.	Estate works staff to set a time frame for the repairs according to the complexity of works: • For simple repair works involving only common spare parts, accessories or materials, the works to be completed within 28 days from the issuance of the repair order • Relatively complicated works to be completed within 90 days from the issuance of the repair order (The aforesaid time frames include the time required for transportation of materials and the time actually used for the works.)
6	Estate works staff to conduct an inspection on site and assess the works before reopening the facilities for use.	(No time frame)

APPOINTING CONTRACTORS

2.11 HKHA requires that playground facilities in PRH estates must be installed and repaired by contractors that are on the Housing Authority Play/Fitness Equipment Agents Reference List ("the List").

2.12 Contractors applying for inclusion in the List must satisfy HKHA's requirements, which include: having been well-established in the business; having engaged in supplying and installing play/fitness equipment in Hong Kong for more than five years; being the sole agent of a particular brand of play/fitness equipment in Hong Kong; and having employed an QPSI to verify the new installation and maintenance services.

2.13 According to HD, safety of use has been the prime concern of HKHA for playgrounds in PRH estates. In 1990s, HKHA had hired a contractor to handle the maintenance and repair of playground facilities in all PRH estates. Failed to secure a stable supply of equipment parts from different agents of original manufacturers, the contractor had to do the repairs with parts not from the original manufacturers, thereby affecting the overall stability of the equipment and safety proof. Subsequently, HKHA adopted the strategy of "maintenance by original manufacturers" to ensure that the original design and safety standards of all the equipment could be maintained. HKHA requires that contractors applying for inclusion on the List must be the sole agent of their particular brand of play/fitness equipment in Hong Kong, and the playground facilities in PRH estates must be installed and maintained by those agents on the List. Moreover, agents are also required to provide safety certificate and warranty period for the equipment they installed to ensure that the equipment could meet international standards.

2.14 As at September 2020, there were seven qualified agents of playground facilities on the List.

SUPERVISION OF CONTRACTORS

2.15 HKHA has established a mechanism for monitoring the performance of contractors. HKHA has laid down in the maintenance agreement that the contractors shall provide necessary spare parts and complete the preliminary inspection and repair works of equipment within a prescribed period (see **Table 3** under **para. 2.10**) to ensure proper after-sale service. Besides, the contractors should submit to HD a works completion report certified by an QPSI.

2.16 HD's Technical Guide for Maintenance and Repair ("Technical Guide") states that if the estimated completion of works exceeds 15 days, the contractor shall carry out temporary measures within 10 days from the issuance of repair order. For example, fencing off or removing the dangerous parts of the facilities to ensure that the rest of the facilities is safe for public use. In case the contractor fails to implement temporary measures in a timely manner, HD may deduct 15% of the works fees unless the QPSI has confirmed that such implementation is unnecessary.

2.17 The Technical Guide also requires the contractors to record their site inspections or repair works of playground facilities on the ERP System. On

completion of the works, the contractors shall also make a report via the ERP System. HD's works staff will then assess the contractors' performance in terms of project management, quality of workers and supervisors, site management and safety, workmanship and materials, customer service, etc[4]. The Technical Guide stipulates that assessment officers should deduct 1 to 4 points from the performance rating according to the number of days of unjustified delay of works. The Technical Guide specifies that the performance rating of the contractor should not be higher than 4 if the completion of works is delayed for more than four weeks without reasonable explanation (**Note 4**). Moreover, in case of unjustified delay in maintenance and repair works on the part of the contractor, HD will collect a breach penalty under the contract terms, which is calculated on the number of days of delay at a daily rate of 2% of the estimated repair works fees. HD considered such contract terms stringent because the contractor will have to pay a breach penalty of an amount exceeding the estimated works fees for any works being delayed for more than 50 days, and that should have a deterrent effect. HD will issue a warning letter to contractors whose performance rating is 4 or below, listing the details of underperformance and requesting improvement.

2.18 HD emphasised that it has always closely monitored the performance of all contractors of playground facilities. HKHA's Contractors Review Committee (Building-Maintenance) ("CRC/BM") will review the performance of contractors on a quarterly basis. HD's internal instructions stipulate that estate works staff should report to CRC/BM any frequently damaged or prematurely broken equipment during the maintenance period of the equipment. Moreover, if a contractor keeps on underperforming with no improvement, CRC/BM will instruct relevant staff to interview the contractor's representative to understand the situation and express concern as well as consider reporting the case to the Play/Fitness Equipment Review Board ("the Review Board"), which will then decide what follow-up action to be taken against the contractor for its poor performance, including removal or suspension of the contractor concerned from the List.

REPLACEMENT OF PLAYGROUND FACILITIES

2.19 When replacing existing playground facilities in PRH estates, HKHA will consider their utilisation in individual PRH estates, limitations of the sites and matters

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[4] With the highest score set at 10, contractors can be given a score of 8-10 if they show excellent/satisfactory performance in some or all of the aspects in the maintenance and repair works, 5-7 if they show fair or marginally satisfactory performance while those showing poor performance will be given a score of 0-4.

related to future maintenance and repair etc. HKHA will also consult residents and other stakeholders through the Estate Management Advisory Committee ("EMAC") to ascertain the actual needs of users in order to provide suitable types and design of play/fitness equipment.

2.20 Before disposing of the entire set of play/fitness equipment in existing estates, HD staff will consider whether:

- accumulated repairing costs will exceed the estimated cost of replacement for the entire set of equipment;
- spare parts are no longer available;
- the equipment should be replaced by other facilities to cater for users' needs.

Before replacing the entire set of equipment and procuring new facilities, HKHA will also require contractors to provide information and suggestions on products for consideration and consult residents and other stakeholders via EMAC, and then invite tenders from contractors on the List.

3

CURRENT SITUATION OF REPAIR OF PLAYGROUND FACILITIES IN PRH ESTATES

OVERALL TIME REQUIRED FOR REPAIR

3.1 In recent years, there have been reports about playground facilities in PRH estates being in a state of disrepair, and HD has often delayed in replacing or repairing those facilities, rendering them unavailable to PRH residents for a prolonged period. **Table 4** lists the time taken to complete repair works of playground facilities in PRH estates after HD had found the damage in the cases between 2017 and 2019.

Table 4: Time taken from damage found in playground facilities in PRH to completion of repair works confirmed between 2017 and 2019

Year	Number of repair cases in the year	Time taken from damage found to completion of repair works confirmed						
		Within 1 month	1-3 months	3-6 months	6 months to 1 year	Average time taken	Shortest period of time taken	Longest period of time taken
		(Number of cases)				(Number of days)		
2017	446	96	306	41	3	53.50	12	208
2018	500	61	335	100	4	65.23	11	236
2019	494	21	327	138	8	75.66	10	252

3.2 HD pointed out that most repairs of playground facilities in PRH estates could be completed within two and a half months in the past three years.

3.3 As stated in **paragraph 2.10** above, repairs of playground facilities in PRH estates involved different procedures. Between 2017 and 2019, the average time required for each stage of work procedures is listed in **Table 5** below.

Table 5: Average time required for each stage of repair works of playground facilities in PRH estates between 2017 and 2019

Year	Number of repair cases	Average time required (Number of days)				
		Damage of facilities found ↓ Inspection order issued by works staff	Inspection order issued ↓ Inspection report received from contractor	Inspection result received ↓ Repair order issued to contractor	Repair order issued ↓ Repair works completed by contractor	Total time required
2017	446	4.52	10.06	14.48	24.44	53.50
2018	500	5.07	9.51	14.31	36.34	65.23
2019	494	6.31	11.16	15.52	42.67	75.66

3.4 HD pointed out that the average time required for completion of repair works after the contractors had received the repair order in 2018 and 2019 was longer than that in 2017. It was mainly because repair works in 2017 involved more simple works such as replacement of tiles or common accessories and fixing loosened screws. According to HD, the average time required in 2018 and 2019 were similar to that between 2014 and 2016[5].

5 The average number of days required for the contractors' completion of repair works after the issuance of repair order in 2014, 2015 and 2016 were 46, 43 and 34 respectively.

TIME REQUIRED FOR ISSUING INSPECTION ORDER

3.5 While HD has set time frames for different stages of repair works (see **Table 3** under **para. 2.10**), there are no time frames for estate management staff to notify works staff to further inspect the facilities after finding any damage or for works staff to issue inspection orders to contractors. HD explained that apart from playground facilities, there is a great variety of common facilities of different scales in PRH estates. The regular inspections, maintenance and repair of those facilities are all taken care of by frontline staff. Every year, HD issues around 800,000 repair orders for various types of repairs in PRH estates. In addition, the situation in each PRH estate varies, HD allows its frontline staff the flexibility to prioritise their work according to the actual operational needs.

3.6 In 2018, cases involving repairs of playground facilities would take five days on average from the frontline staff's finding out of the damage to the works staff's issuing inspection orders to contractors. Nevertheless, in several districts these procedures took more than one month to complete. Relevant statistical figures are listed in **Table 6**.

Table 6: Time required for HD works staff to issue inspection orders to contractors after the damage of playground facilities in PRH estates was found in the cases in 2018

Districts where PRH estates are located	Number of cases of repair works of playground facilities in 2018	Time required for HD works staff to issue inspection orders to contractors after damage of facilities was found		
		Average time required (Number of days)	Shortest period of time required (Number of days)	Longest period of time required (Number of days)
Hong Kong Island and Outlying islands	47	5.40	1	25
Kwai Chung	53	3.45	1	13
Kowloon East	83	5.37	1	36
Kowloon West and Sai Kung	91	6.71	1	34

Districts where PRH estates are located	Number of cases of repair works of playground facilities in 2018	Time required for HD works staff to issue inspection orders to contractors after damage of facilities was found		
		Average time required (Number of days)	Shortest period of time required (Number of days)	Longest period of time required (Number of days)
Tuen Mun and Yuen Long	77	4.75	1	29
Tai Po, Northern District and Shatin	61	4.10	1	20
Wong Tai Sin, Tsing Yi and Tsuen Wan	78	4.79	1	35
Total	490#	5.07	1	36

Among the 500 cases of repair works of playground facilities in 2018, 10 cases involved improvement of signage of fitness equipment but not any damage or repairs of facilities.

TIME REQUIRED FOR ISSUING REPAIR ORDERS

3.7 HD requires its works staff to decide whether to issue repair orders within 30 days after receiving inspection reports and suggestions from the contractors (see **Table 3** under **para. 2.10**). HD explained that before deciding whether a repair order should be issued for repairs or replacement, works staff need to consider a number of factors including the initial installation fee, repairs history, fee for the suggested proposed repairs, wear and tear of other parts of the facilities, the risk of recurring damage, any enhancement or replacement plans for the facilities concerned, residents' opinions, etc. Moreover, the contractors' suggestions may sometimes involve more items than those found by the works staff during the preliminary inspection. Hence, works staff have to clarify with the contractors the details of each suggestion and if necessary, conduct site inspections with the contractors to understand those details. In this regard, HD has set a time frame of 30 days so that works staff can have adequate time to deal with the matters.

3.8 **Table 7** below lists the time required for HD works staff to issue repair orders after receiving inspection reports and suggestions from the contractors in those 500 cases of repair works of playground facilities in 2018.

Table 7: Time required for HD works staff to issue repair orders after receiving inspection reports and suggestions from the contractors in 2018

2018	Time required for issuance of repair orders after the contractors' inspection reports and suggestions were received			
	Within 10 days	**11-20 days**	**21-30 days**	**31 days or more**
Number of works	312	86	40	62
Percentage in the total number of cases (500) of the year	62.4%	17.2%	8%	12.4%

3.9 **Table 7** shows that in about 88% of the 500 cases of repair works of playground facilities in 2018, the works staff issued the repair order within 30 days after receiving inspection reports from the contractors. Of those cases, about 62% had the repair order issued within 10 days. Nevertheless, in 12.4% of the 500 cases (62 cases), it took 31 days or more to issue repair orders to the contractors. According to HD, when the super typhoon Mangkhut hit Hong Kong in 2018, many facilities including playground facilities in PRH estates were damaged. As a result, the works staff had to deal with a lot of work and there were more cases than usual where it took more than 30 days to issue repair orders to the contractors.

3.10 HD explained that under the existing mechanism, the ERP System does not record the time taken from finding out the damage to issuing the inspection orders. In response to our investigation, HD had to check the documents kept by various PRH estates before it could provide the information in **Tables 4, 5** and **6**. HD considered that the handwritten records made by frontline staff on the time taken from finding out the damage of playground facilities to issuing the inspection orders were adequate to cater for the routine operational needs, and that it might not be necessary to record such details in a computerised system.

TIME REQUIRED FOR INSPECTION AND REPAIR

3.11 HD has set time frames for following up on the inspection orders issued and repair works carried out in the procedures for repairing playground facilities in PRH estates (see **Table 3** under **para. 2.10**). HD requires contractors to conduct a site inspection and submit a report and suggestions within 10 days from the receipt of an inspection order. **Table 5** under **paragraph 3.3** above shows that between 2017 and 2019, after receiving the inspection orders, the contractors took 9 to 11 days on average to conduct inspections and submit reports.

3.12 As regards completion of repair works, HD has set the time frames of 28 days and 90 days from the issuance of repair order depending on the complexity of works. HD's records reveal that the average time required for completion of repair works by contractors after receiving the inspection orders for each year from 2017 to 2019 were 24 days (2017), 36 days (2018) and 43 days (2019) respectively (see **Table 5** under **para. 3.3**). HD explained that the average time required for completion of works in 2017 was shorter because most of the repair works in that year were relatively simple repairs such as replacement of tiles, loosened screws and common accessories.

3.13 HD added that repair works of playground facilities are usually small-scale. The contractors can usually complete the installation and replacement in one to two days subsequent to the delivery of the necessary spare parts and accessories to the site.

3.14 In 2019, HD issued 490 repair orders to contractors for repairing playground facilities in PRH estates. **Table 8** below states the statistical figures of cases where contractors completed the works on time and where the works were delayed.

Table 8: Repair orders issued for repairing playground facilities in PRH estates and completion of the works concerned in 2019

Repair orders issued and works completed in 2019 (Number of cases)					
Estimated time for repair works	**Total**	**Completed on time (Percentage)**	**1-14 days overdue (Percentage)**	**15-29 days overdue (Percentage)**	**30 days or more overdue (Percentage)**
Within 28 days	38	17 (44.7%)	13 (34.2%)	3 (7.9%)	5 (13.2%)

Repair orders issued and works completed in 2019 (Number of cases)					
Estimated time for repair works	**Total**	**Completed on time (Percentage)**	**1-14 days overdue (Percentage)**	**15-29 days overdue (Percentage)**	**30 days or more overdue (Percentage)**
Within 90 days	456	360 (78.9%)	50 (11%)	24 (5.3%)	22 (4.8%)
Total	494	377 (76.3%)	63 (12.7%)	27 (5.5%)	27 (5.5%)

3.15 **Table 8** shows that over 90% of the repair works in 2019 were regarded as complicated and set to complete in 90 days, and among these works, nearly 80% could be completed on time. On the other hand, only about 45% of those simple repair works set to complete in 28 days could be completed on time while 55% of them were delayed in 2019. Repair works that were more than 30 days overdue (i.e. taking more than double the estimated time) accounted for 13%.

3.16 Overall, most repair works of playground facilities could not be completed in a month. As other procedures in the whole repair process also take time, residents often need to wait for two and a half months on average for the damaged facilities to get repaired and be available again.

4

CASE STUDIES

4.1 This Office conducted two rounds of site inspections in 2019, visiting various PRH estates to check their playground facilities and subsequently enquired of HD about some of the identified cases of damaged facilities. HD generally managed to provide inspection records for those facilities and explained the factors it had considered in carrying out repairs and the works progress. During our investigation, we have requested supplementary information from HD regarding some cases where the repair works took more time to complete.

CASES COVERED BY OUR SITE INSPECTIONS

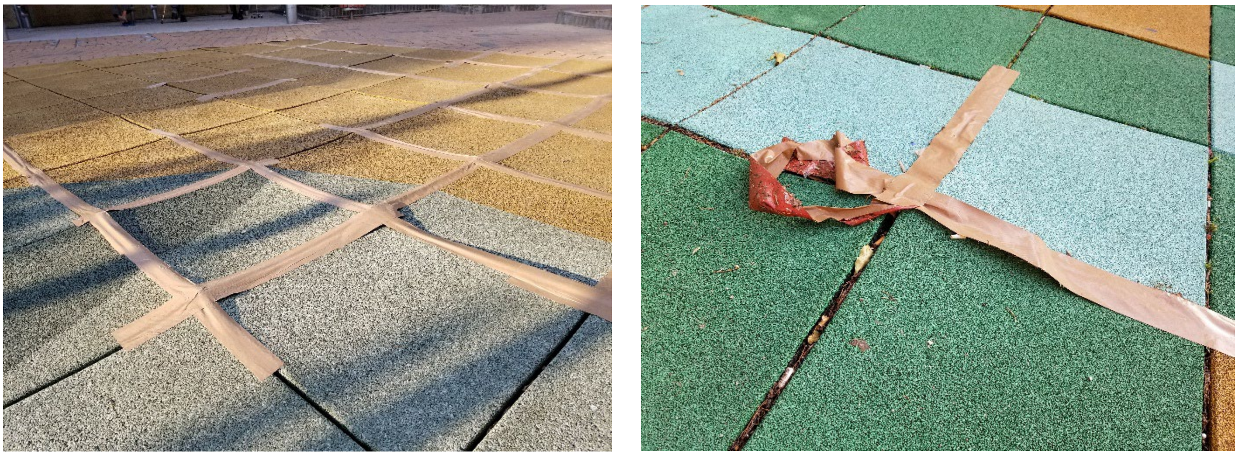
Case 1

4.2 In early January 2019, our officers found that the tiles of a children's playground in PRH Estate A were mostly curled and some of them had made the ground seriously uneven. Spots where the ground was uneven with tiles curling up were fenced while others had duct tapes used to fix the tiles temporarily (see **Figure 1**).

Figure 1



Figure 1 (Continued)



4.3 According to HD, the current practice is that works staff will issue inspection and repair orders to contractors for follow-up action once they spotted any loosened or curled rubber tiles or tiles gaps wider than 12 mm (see **para. 4.9** below for details).

4.4 HD pointed out that during the routine inspection on 19 October 2018, staff of Estate A found the tiles curled up, making the ground uneven. They then notified works staff to inspect them as required under the mechanism. Three days later (22 October), staff of Estate A used duct tapes to fix the edges of the curled tiles. After another three days (25 October), works staff issued an inspection order to the contractor. On 29 October 2018, 10 days after HD had found the problem, staff of Estate A inspected the tiles in question again. Apart from using duct tapes to fix the tiles, the staff also placed plastic barriers to fence the area and posted a notice. At the end of October 2018, the contractor suggested replacing the tiles. Later, in early December 2018, works staff invited tenders for replacement of tiles. HD granted the contract for the works of tile replacement to the contractor concerned at the end of December. The works started in April 2019 and were completed in August.

4.5 There was a media report in late October 2018 about serious curling of tiles of the children's playground in Estate A[6]. A resident who was interviewed said most tiles were curled up in four corners and the problem started half a year ago, occasionally causing children to trip. Photographs provided by the interviewee showed that the serious curling of tiles had existed for a period of time and some tiles were already taken away. At the time the photographs were taken there were no duct tapes to fix the tiles or fencing of facilities in the playground.

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[6] Oriental Daily News, "Pitfalls in playground threaten children's safety", 29 October 2018.

4.6 According to Estate A's inspection records of the playground concerned, the works staff found during the monthly inspection in mid-September 2018 the uneven tiles, which warranted further monitoring. The findings of the Play/Fitness Equipment Routine Inspection in October 2018 show that although Estate A's management staff conducted daily inspection, they had never made any records about necessary follow-up action on the tiles of the children's playground. It was not until 19 October when the works staff had inspected the tiles that they suggested removing the tiles from the playground and estate management staff adopted temporary measures to minimise the risks imposed by the damaged tiles (see **para. 4.4**).

Case 2

4.7 We conducted a site inspection on Estate B in early December 2019 and found aging tiles in a children's playground. Some of these tiles were loosened and curled, making the ground uneven. There were obvious gaps between tiles and some gaps were as wide as the diameter of a one-dollar coin (25mm) (see **Figure 2**).

Figure 2

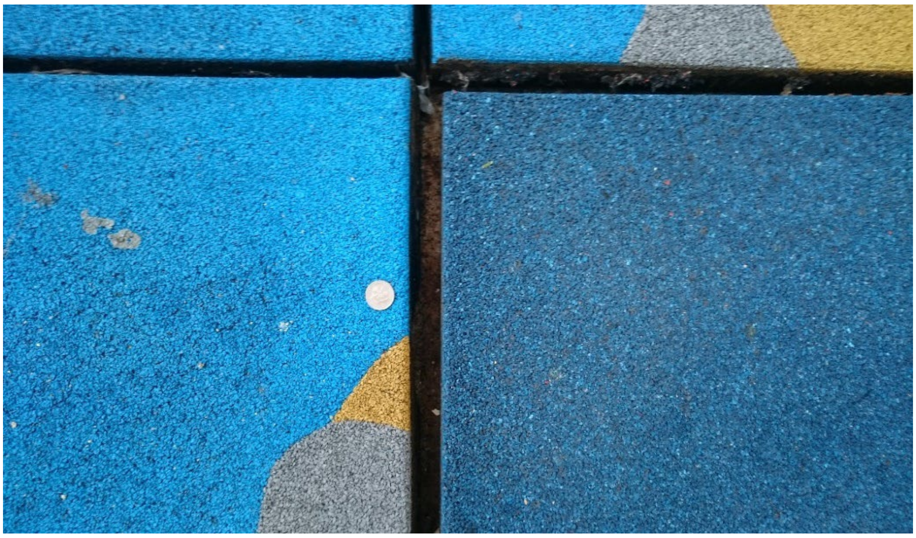


Figure 2 (Continued)



4.8 In mid-December 2019, we enquired of HD about our observation stated in the previous paragraph. HD's records show that Estate B's works staff had conducted the monthly inspection in November 2019 in accordance with the guidelines, but they had not found any tiles damaged or with gaps wider than 12 mm that warranted replacement. HD said that in December 2019, works staff found during inspection some tiles having gaps wider than the standard. They then engaged the contractor to follow up on the matter and the repairs were completed in late January 2020.

Brief Summary

4.9 In 2008, HKHA worked with an organisation promoting children's games to establish the Guidelines for Playground Safety Mat Inspection ("Safety Mat Guidelines"), setting out common damages to playground safety mats and suggested actions. The Safety Mat Guidelines clearly state that widening tile gaps caused by aging and curling of tiles should be closely monitored. Tiles with severely worn top layer or loosened with gaps wider than 15 mm (which was amended to 12 mm by HD in September 2018) should be repaired or replaced as people will be tripped.

4.10 We believe that the tiles did not age and deteriorate suddenly into such condition as shown in **Figures 1** and **2**. In **Cases 1** and **2**, the gaps between tiles were

more than twice the width limit for replacement according to the relevant guidelines by HD. Nevertheless, frontline staff of the estates concerned failed to record and report the aging tiles in a timely manner. It was only when the problem had deteriorated that they took follow-up action, including temporary measures to minimise the risk of injury and arrangement for repairs or replacement of tiles.

Case 3

4.11 In early December 2019, our officers found several tiles with seriously worn top layer and fragments around them in a children's playground in Estate C. Yet, those damaged tiles were not fenced off. Within the same playground, some damaged rope courses were fenced off but no information as to when the facilities would be repaired and the works would be completed was provided (see **Figure 3**). During our site inspection, we saw children crossing over the fence to use the rope courses within the enclosure.

Figure 3



4.12 HD's records show that its staff issued a repair order to the contractor in October 2019 for the damaged rope courses and tiles with worn patches. The works were expected to be completed in January 2020. The contractor posted a notice at the children's playground, but the expected date of completion was not specified. Subsequently, HD reminded the frontline staff to post a notice specifying the expected date of completion and strengthen the site management. The repair works were completed in mid-January 2020.

Case 4

4.13 Our officers visited Estate D in late January 2019 and found in the children's playground damaged equipment pending repairs. What was left of the equipment was a metal stand of about 0.5 metre tall, from which some metal parts protruded, posing threats to the safety of children passing by. There was, however, no fencing around the equipment (see **Figure 4**).

Figure 4



4.14 In response to our letter in early February 2019 requesting information about the case, HD explained that the estate staff found on 12 January 2019 that the equipment was damaged, and then posted a notice indicating that the equipment was pending repairs. The works staff inspected the equipment on 16 January and considered that it should be repaired by the contractor. Meanwhile, works staff were busy working

against the deadline for replacement of laundry racks before Chinese New Year to ensure that the contractor could remove the suspended working platform as soon as possible so that residents and visitors could safely use the public access during Chinese New Year. Hence, the works staff had to prioritise the tasks, and the issuance of inspection order to the contractor was delayed until 18 February. Later, the works staff received the contractor's inspection report and repair suggestions on 8 March, and they issued a repair order on 15 March. The works were subsequently completed on 29 April 2019. On the other hand, HD had instructed the estate management company of Estate D to fence the equipment concerned off, and the company took follow-up action in mid-February 2019.

Brief Summary

4.15 In **Cases 3** and **4**, although frontline staff of the estates concerned had been aware of the damaged equipment, they did not take the initiative or urge the contractors to take appropriate temporary measures (such as fencing off the equipment concerned properly) to mitigate the potential risks to the playground users' safety. Nor had they posted any notice to provide residents with information about the repair works. These two cases reflect that some staff of HD/the contractors overlooked the importance of prompt and appropriate temporary measures to ensure playground users' safety. In **Case 3**, the contractor had fenced the damaged part of the rope courses off but left the other parts open. The contractor had failed to take note of its close proximity to the part where there was no fencing and children could access and climb over to the damaged part. Fencing with plastic tapes or tying up the damaged part of the rope courses could have more effectively prevented improper use by children. In **Case 4**, in the absence of any time frame in the Safety Mat Guidelines, works staff requested the contractor to conduct follow-up inspection one month after checking the equipment. Meanwhile, no temporary safety measures had been implemented and residents were not provided with information about the schedule for repairs, which is unsatisfactory.

CASES WHERE COMPLETION OF REPAIRS REQUIRED MORE TIME

4.16 This Office has checked with HD the ten cases that took the longest time to repair playground facilities in PRH estates in 2019. These cases involving ten PRH estates with divested properties. It took five to over eight months from HD's finding the damage to the contractors' completion of repairs.

4.17 In most of these ten cases, the works staff failed to meet HD's requirement for issuing the repair orders to the contractors within 30 days (see **Table 3** under **para. 2.10**) after receiving inspection reports and suggestions from the contractors. According to HD, there were various reasons, including:

- repair costs of common facilities in PRH estates with divested properties had to be shared among all owners according to the proportion of shares specified in the DMC. Before the repairs began, HD had to discuss with other owners to obtain their consent as the repair costs/expenditure had exceeded the limit or the overall expenditure on repairs of facilities had gone over budget of the estate concerned for that year;

- consultation among residents or discussion about enhancement took time; and the issuance of repair orders had to be suspended for coordinating with the progress of other repair works at the site;

- minor wear and tear (e.g. noise was created when the equipment was being used) was found during HD's site inspection and repairs were then not necessary. Several months after the decision to hold the repairs of equipment, repair orders were issued to the contractors because the condition of the equipment had deteriorated.

4.18 Below are the chronicles of the two cases (**Cases 5** and **6**) that took the longest time among the aforesaid ten cases.

Case 5

Equipment involved : The movable bridge and landing of multi-play equipment and tiles

Repairing time : About 8 months

Date	Events
22 November 2018	Estate frontline staff found loosened boards of the movable bridge with gaps between the connections, very wide gaps between landings, and some torn tiles at the children's playground.

Date	Events
29 November 2018	The works staff issued an inspection order to the contractor. As there had been complaints from residents about noise caused by children's walking on the bridge landing, the works staff also requested the contractor to submit improvement proposal.
21 December 2018	The contractor submitted the inspection report and suggested replacing the bridge with a climbing frame to resolve the noise problem.
January to April 2019	After examining the suggestion, works staff considered it necessary to consult residents. In February 2019 after the Chinese New Year holidays, the frontline staff launched a consultation exercise, which was ended about three months later.
16 May 2019	Upon obtaining consent from residents and the DMC Manager, the works staff issued a repair order to the contractor.
May to July 2019	As the climbing frame and other spare parts for repairs had to be specially ordered, the contractor spent nearly three months to order spare parts and carry out the repairs.
1 August 2019	The works were completed.

Case 6

Equipment involved : The railings, metal stands and tic-tac-toe panel of the multi-play equipment

Repairing time : About 8 months

Date	Events
24 October 2018	Estate works staff found that the railings and metal stands of the landing of multi-play equipment were torn, and the tic-tac-toe panel was also damaged.

Date	Events
31 October 2018	The works staff issued an inspection order to the contractor.
15 November 2018	The contractor submitted the inspection report and suggestions. The repairs costed several tens of thousand dollars in total.
December 2018 to March 2019	The works staff studied the suggestions. Considering that the equipment was installed more than 20 years ago and there had already been two large-scale repair works, the works staff found repairing the equipment not cost-effective and suggested removing and replacing the equipment. As the repair costs had to be shared by HKHA and other owners, the frontline officers had to consult residents and other stakeholders on the suggestion. Having considered the opinions of various parties and the financial arrangement for repairs of equipment in the estate, the works staff decided to put on hold the suggestion to replace the equipment.
3 April 2019	The works staff issued a repair order and instructed the contractor to repair the damaged equipment.
April to June 2019	As the works involved multiple items and ordering the spare parts took time, the contractor used nearly three months to complete the repair works.
27 June 2019	The works were completed.

4.19 Both **Cases 5** and **6** involved three to four months of consultation, and the consultation exercises were appropriate and necessary in HD's view. The Department added that if any costs of improvement works in PRH estates with divested properties exceed 10% of the estimated expenditure of the financial year concerned, it shall be approved in a meeting of owners' corporation held in accordance with the Building Management Ordinance. In case the DMC Manager considers that the estimates of the financial year concerned cannot cover the expenditure not included in the estimates, it can consult the owners and amend the estimates.

Brief Summary

4.20 As the repairs in **Cases 5** and **6** were rather complicated, and these cases involved owners other than HKHA, it is understandable that HD needed time to consult the residents and other stakeholders and consider the financial budget and arrangement in accordance with the law. Nevertheless, the decision as to whether the repairs should be carried out already took four and a half months, thereby rendering the equipment unavailable to the residents for as long as eight months. It is only natural that the residents would be discontented.

4.21 HD indicated that there was no time frame for consultations with residents, stakeholders and other owners in the past. For enhancement of the procedures, HD has planned to discuss with Link REIT, the biggest owner of divested properties in PRH estates, about setting time frames for Link REIT to respond to HD's consultation so that frontline staff of the estates can have a set of uniform criteria for reference.

4.22 Moreover, some of the ten cases that took the longest time to repair the playground facilities in 2019 involved unreasonable delay on the part of the contractors. **Case 7** is one example.

Case 7

Equipment involved : A set of fitness equipment
Repairing time : About 6 months

Date	Events
12 March 2019	Estate management staff found that the oval-shaped weight lift and pedal of a set of fitness equipment did not work well.
19 March 2019	The works staff issued an inspection order to the contractor.

Date	Events
4 April 2019	In its inspection report and suggestions, the contractor pointed out that some spare parts were torn and repairs were recommended. After looking into the matter, the works staff found that besides the noise coming from the equipment when it was being used, there were no safety issues. Therefore, the equipment could still be open to the residents and repairs would not be arranged for the time being. The works staff would pay close attention to its condition.
29 May 2019	The works staff found that the noise problem regarding the use of equipment became serious, so they decided to arrange repairs and issued a repair order to the contractor. As the repairs were simple, HD expected the works to complete in one month at the estimated costs of HK$9,200.
29 August 2019	The works were completed.

4.23 The completion of repair works in this case was 62 days overdue. We notice that when rating the contractor's performance, the responsible works staff, however, gave a score of 5 instead of 4 or below, which is the standard rating for delays of more than four weeks according to the Technical Guide (see **para. 2.17**). HD explained that the works staff concerned had just taken up the post and was not familiar with the Technical Guide. When he assessed the contractor's performance, he accepted the contractor's explanation that the delay was due to lack of manpower as he considered that the delay had not affected the availability of the equipment for residents' daily use. Subsequently his supervisor found such assessment not quite reasonable and started to review the cases that he had handled. Moreover, HD emphasised that it had required a breach penalty from the contractor against its delay in carrying out the works without reasonable explanation (which was 2% of the estimated repair costs per day of delay) in accordance with the relevant terms of contract. As the works were 62 days overdue, the contractor was required to pay about HK$11,400, an amount exceeding the estimated repair costs.

4.24 According to HD, it is planning to introduce a centralised review mechanism to ensure that frontline staff's performance rating of contractors would truly reflect the contractors' previous performance.

FOLLOWING UP ON CASES WHERE CONTRACTORS SHOWED POOR PERFORMANCE

4.25 We have checked with HD the performance ratings of contractors in 2018 and 2019, and how HD followed up on poor performance of contractors.

4.26 Information reveals that in 2018 and 2019, HKHA had five contractors and two of them were rated 4 points or below for their performance in the repair works of equipment. Details are listed in **Table 9** below.

Table 9: Number of repair works of playground facilities undertaken by Contractor A and Contractor B and those works received a score of 4 or below in 2018 and 2019

	2018			2019		
	Number of repair works undertaken	Works that received a score of 4 or below		Number of repair works undertaken	Works that received a scored of 4 or below	
		(Number of cases)	(%)		(Number of cases)	(%)
Contractor A	354	21	5.9	334	11	3.2
Contractor B	55	10	18.2	53	4	7.5

4.27 HD added that no contractor has been removed or suspended from the List for poor performance so far.

Contractor A

4.28 We find that among the repair works that Contractor A's performance scored 4 or below, the contractor failed to complete on time one works project which was set to complete in 28 days and eventually took 77 days (i.e. a delay of 49 days) to complete it in mid-December 2018. During the subsequent CRC/BM quarterly meeting, the works staff made a report about Contractor A's performance. In the meeting held in

May 2019, CRC/BM had a detailed discussion about Contractor A's poor performance. Apart from calling a meeting with the management of Contractor A, CRC/BM also decided that the Review Board should be notified of the situation for consideration of necessary follow-up actions including issuing a warning letter to Contractor A, barring it from bidding for new contracts for a specified period, and removing it from the List. In October 2019, having heard the above, the Review Board decided to meet with the management of Contractor A to express concern about its previous poor performance and remind Contractor A to strengthen its management and expedite the completion of repair works of the playground facilities in the estate.

4.29 HD pointed out that after meeting with HD staff and the Review Board in May and November 2019 respectively, Contractor A continued to strengthen its site management and improved its overall performance. According to HD's record, during the year prior to the meeting in May 2019 (i.e. between May 2018 and May 2019), there were delays in about 35% of the repair works undertaken by Contractor A. Subsequent to the meeting, the number of repair works undertaken by Contractor A that involved delays dropped to around 15% between May 2019 and June 2020. Compared with 2018, the percentage of repair works of playground facilities that Contractor A was rated 4 points or below in 2019 decreased (see **Table 9** under **para. 4.26**).

4.30 HD indicated that it would continue to monitor the performance of Contractor A. In case there is no improvement, CRC/BM would consider issuing a warning letter to Contractor A or barring it from bidding for HKHA's works projects for a specified period. The Review Board may also remove Contractor A from the List.

4.31 As seen in **Table 9** under **paragraph 4.26** above, Contractor A is among the major contractors of HKHA, undertaking many repair works of playground facilities in PRH estates. While the works concerned were in progress, HD continued to communicate with Contractor A, but it was not until five months after the delay that HD met with the management of Contractor A to express HKHA's concern. Despite that Contractor A's performance was subsequently improved, HD should have promptly followed up on the problem of delay and urged Contractor A to resolve the problem and improve the overall efficiency of repairs of playground facilities.

Contractor B

4.32 Among the repair works undertaken by Contractor B that scored 4 or below, one did not involve any safety issue but noise was created when the fitness equipment

concerned was being used. Given the simple nature of repairs, HD expected the works to complete in 28 days on or before 27 December 2018. Eventually, the works were delayed for 64 days and completed on 1 March 2019. When the works staff enquired about the progress and reasons for the delay in late December 2018, Contractor B frankly admitted that they had a lot of works in progress and the manpower was insufficient, so they could not be sure of the completion date.

4.33 During the CRC/BM quarterly meeting in May 2019, HD works staff reported the performance of Contractor B. As Contractor B was only responsible for a few repair works of playground facilities and those works were almost completed before the meeting, CRC/BM agreed to continue the observation on Contractor B's performance.

4.34 As stated in **Table 9** under **paragraph 4.26** above, the percentage of repair works of playground facilities that Contractor B received a score of 4 or below decreased from 18.2% in 2018 to 7.5% in 2019. There was improvement in Contractor B's overall performance.

4.35 The repair works in question were simple in nature, but it took thrice the time estimated to complete. While the wear and tear of facilities had not compromised users' safety, the serious delays did cause inconvenience to the residents. Although HKHA had charged the contractor a breach penalty for such delays, the contractor had obviously failed to put efforts in completing the repair works by the deadline and eventually the facilities remained unavailable for a prolonged period. In our view, even though Contractor B was only responsible for a few repair works of playground facilities, HKHA and HD should have taken practical actions against its delays (such as issuing a warning letter and seriously considering removing Contractor B from the List) so that it would take the problem seriously and make improvement as soon as possible.

5

OUR COMMENTS AND RECOMMENDATIONS

5.1 The public has been paying more attention to the design and use of public space in recent years. We understand that play and fitness equipment are just one type out of many ancillary facilities in PRH estates, and it is difficult to compare their scale and variety with those of large outdoor public leisure facilities at district level. Nevertheless, PRH estates accommodate a large number of residents. The playground facilities serve as the major outdoor leisure venues for the residents in the neighbourhood and are highly utilised. Hence, the provision and safety of play and fitness equipment are crucial, and their design should also be updated to meet the public's needs.

5.2 However, in recent years, there have been reports about many play and fitness equipment in PRH estates being in a state of disrepair, rendering them unavailable to the residents in the neighbourhood for a prolonged period. During this investigation, we have also found that repairs of facilities often take months to complete under HD's current procedures. Moreover, many people find the design of playground facilities in PRH estates to be outdated and uninspired, falling short of meeting the leisure and fitness needs of the public. In our opinion, it is necessary for HKHA and HD to introduce measures to enhance the overall quality of playground facilities in PRH estates.

5.3 In sum, we find the following areas for improvement on the part of HKHA/HD regarding the design and maintenance and repair of play and fitness equipment in PRH estates.

(I) SETTING REASONABLE TIME FRAMES FOR DIFFERENT PROCEDURES FOR REPAIRS

5.4 HD has established basic procedures for following up on repairs of play and fitness equipment in PRH estates, and time frames for some of the procedures (see **Table 3** under **para. 2.10**). Nevertheless, no time frames are set for two procedures, namely estate management staff to report damage of facilities and works staff to issue inspection orders. HD explained that it intended to allow flexibility for frontline staff to prioritise different repairs in PRH estates according to their experience (see **para. 3.5**).

5.5 Between 2017 and 2019, HD works staff could usually issue an inspection order to the contractor concerned within seven days on average (the fastest being one day) after checking the facilities. However, in some cases they issued the order for arranging inspection more than 30 days after finding out the damage of facilities (see **para. 3.6**). **Case 4** mentioned in Chapter 4 of this report is one example.

5.6 In our view, HD should set appropriate time frames for estate management staff to report damage of facilities and for works staff to conduct inspection after receiving such reports and issue inspection orders, so that the staff can refer to the time frames when making work arrangements and the progress of repairs of playground facilities will not be hindered by other repairs in PRH estates.

5.7 Moreover, HD guidelines require that estate works staff issue a repair order within 30 days after receiving the contractor's inspection report and repair suggestions. Nevertheless, for PRH estates with divested properties, HD often needs to consult residents and other stakeholders, or even obtain the consent from other owners before confirming the decision to make repairs. In **Cases 5** and **6** mentioned in Chapter 4 of this report, the consultation and discussion took several months, resulting in the repairs of damaged facilities being left pending for more than six months, which is very unsatisfactory. We are pleased to note that after the commencement of our investigation, HD planned to discuss with Link REIT, the biggest owner of divested properties in PRH estates, to set time frames for consultation procedures regarding decision on repair so that HD staff and related parties can have a set of uniform criteria for reference (see **para. 4.21**).

(II) STEPPING UP MONITORING OF WHOLE REPAIR PROCESS

5.8 HD has established procedures for following up on repairs of playground facilities in PRH estates (see **Table 3** under **para. 2.10**), and some of them are handled by frontline staff of the estates while some are attended to by the contractors. We notice that HD has no mechanism or system for monitoring the whole repair process.

5.9 While HD's ERP System records and manages information relating to the repair works undertaken by the contractors, including information about the inspection and repair orders issued by HD (see **paras. 2.10** and **2.17**), the information recorded in the System is mainly about the work procedures handled by the contractors, which does not include HD's internal follow-up procedures. There are only handwritten records as to when estate management staff found out the damage of play equipment, whether works staff had been requested to conduct inspection and when they conducted the inspection. As these items of information are not recorded in the ERP System (see **para. 3.10**), HD's management will not know the circumstances of individual cases of facility damage, or the efficiency of follow-up actions on repairs of playground facilities in PRH estates by individual estates or by the Department as a whole. Apart from setting the time frame of 30 days for works staff to issue repair orders after receiving inspection reports from the contractors, HD has not introduced any specific monitoring measures.

5.10 We consider it necessary for HD to enhance the mechanism by taking a more proactive and comprehensive approach in monitoring the whole repair process regarding playground facilities in PRH estates to ensure timely follow-up action for each case. Data collected will be useful for future review on the relevant procedures and devising enhancement measures to further improve the quality of service. In the long run, HD should consider recording in the ERP System the dates on which damage is found and other procedures taken care of by HD's frontline staff are completed and the outcomes thereof. On the one hand, the ERP System can accurately and conveniently remind frontline staff to take timely follow-up action and avoid leaving out any cases. On the other hand, it enables HD to monitor the situation and grasp a clearer picture of the overall time required for the maintenance and repair of facilities.

(III) STRENGTHENING TRAINING OF FRONTLINE STAFF REGARDING CONDITION OF DAMAGED FACILITIES AND NECESSARY TEMPORARY MEASURES

5.11 In **Cases 1** and **2** mentioned in Chapter 4 of this report, the HD frontline staff concerned had failed to report and follow up on the aging and damage of tiles in a timely manner. We believe that HD's regular inspections (see **paras. 2.8** and **2.9**) are meant to help the Department identify early the wear and tear and aging of play and fitness equipment so as to ensure user safety and assist works staff in planning the annual maintenance of facilities. If frontline staff fail to identify accurately the condition of damaged facilities and potential safety risks, it will undermine the effectiveness of maintenance and repair of facilities, and cause inconvenience and even safety risks to residents.

5.12 HKHA's Safety Mat Guidelines (see **para. 4.9**) provide very clear instructions on the maintenance and repair of tiles including safety requirements for tiles, techniques and procedures for inspections, common types of damage and related repairs, etc. with pictures to illustrate. Nevertheless, in practice, as reflected in **Cases 1** and **2**, frontline staff seemed not to have fully complied with the guidelines in recording the condition of tiles and making inspection suggestions. They also failed to replace some loosened or damaged tiles or implement temporary measures in a timely manner to ensure public safety.

5.13 Moreover, HD requires estate frontline staff to fence off damaged playground facilities where necessary, and instructs the contractors to fence off or remove promptly the dangerous parts to ensure that the rest of the facilities is safe for use (see **paras. 2.10** and **2.16**). Nevertheless, **Cases 3** and **4** mentioned in Chapter 4 of this report show that some HD staff did not have the awareness to implement temporary measures as soon as practicable to safeguard playground users. Nor had they paid attention to the adequacy of temporary measures implemented by the contractors. Frontline staff of the estates concerned also failed to provide adequate information at the site to notify members of the public of the repair arrangement.

5.14 Apart from the gaps of loosened tiles, which are measurable, whether the wear and tear of most tiles is serious and whether they should be repaired immediately or replaced are mainly determined by the judgement of frontline staff. Similarly, the extent of the damage of other facilities and the need to implement temporary measures to minimise safety risks also rely on the careful observation, accurate assessment and

timely reports and follow-up action by frontline staff. Hence, HD must strengthen the training of frontline staff and provide clearer and more specific guidelines to foster their awareness about safety so that they will properly record and report the wear and tear of facilities, engage contractors to follow up on repairs in a timely manner and provide residents with information about the repair works concerned and/or post notices on the suspension of facilities.

(IV) MORE STRINGENT SUPERVISION OVER CONTRACTORS

5.15 Under the strategy of "maintenance by original manufacturers", the maintenance and repair of facilities are basically undertaken by the contractors who are the agents of the relevant manufacturers. As HKHA has appointed only a few contractors, it can be expected that competition among contractors is limited. In the circumstances, HKHA and HD should take positive steps and exercise more stringent supervision over the contractors to urge them to provide services properly.

5.16 **Tables 5** and **8** in Chapter 3 show that the contractors could generally complete the inspections and repairs of facilities in accordance with the time frames set by HD in recent years. According to HD, most of the cases where the repair works took more than 90 days are cases in which the contractor concerned needed more time to specially order spare parts to match the original design of facilities. However, it should be noted that most repair works are categorised as complicated works. For example, in 2019, only less than 10% of repair works of playground facilities were simple repairs. Those repair works regarded by HD as relatively simple, which could be completed in 28 days, were often delayed. In 2019, more than 55% (21 cases) of simple repair works could not be completed by the contractors within the estimated period of 28 days. In other words, although the statistical figures show that the contractors could generally complete the inspections and repair works within the time frames established by HD, most damaged playground facilities actually took more than a month to repair. It is necessary for HD to strengthen its supervision over the contractors and try to urge them to improve their efficiency.

Monitor Proactively Progress of Repair Orders

5.17 We notice that currently HD mainly looks into the reason for delays upon the contractors' completion of the repair works and then rate their performance. Depending on the seriousness of the delays, HD will consider issuing warning letters

and removing or suspending the contractors concerned from the List (see **paras. 2.17** and **2.18**). We opine that HD should proactively monitor the commencement and progress of works after issuing a repair order. That will include regular meetings hosted by the contract manager to monitor works progress and requiring the contractors to report the works progress on their own initiative. In case any sign of delay is detected, HD can immediately remind the contractor to follow it up closely so that the possibility and extent of delay could be minimised.

Take Serious Follow-up Action against Delays

5.18 Moreover, in the two cases in **paragraphs 4.25 to 4.35** where HKHA/HD followed up on the unreasonable delays of repair works, one contractor in question was Contractor A, a company responsible for many playground facilities in PRH estates. It was not until five months after the delays that HD formally took follow-up action, which was simply expressing HKHA's concern to Contractor A. In our opinion, HD should have taken follow-up action promptly to urge Contractor A to pay close attention to the problem of delay so that the overall efficiency of repair works of playground facilities can be enhanced. As to Contractor B, considering that it had undertaken only a few works and the works were eventually completed, HKHA/HD had not taken substantial actions such as issuing warning letters or removing it from the List. In these two cases, both contractors delayed the works without reasonable explanation. In our view, even though the works concerned were eventually completed, HKHA/HD should have promptly and seriously followed up on the situation and urged the contractors to make improvement.

5.19 HKHA/HD should review the existing system for monitoring contractors and promptly demand follow-up action and improvement by the contractors when problems are found. HKHA/HD should also discuss with CRC/BM and the Review Board on stepping up measures to monitor and manage contractors with poor performance and increase the penalty, which include exploring the feasibility of providing other Government departments with the performance rating of those contractors as reference so that other departments can take the information into account when examining the tenders for other works submitted by the contractors concerned.

Centralised Review on Performance Rating of Contractors

5.20 HD indicated that the estate works staff would consider whether the contractors could provide reasonable explanation for delays in repair works when

assessing their performance and giving ratings for future reference. However, in **Case 7** mentioned in Chapter 4 of this report, some works staff deviated from the Technical Guide when rating contractors' performance. We agree that it is necessary for HD to set up a centralised review mechanism to ensure frontline staff's compliance with the Technical Guide in assessing contractors' performance in repair works so that the performance rating can truly reflect the contractors' performance. HD should also provide works staff who are responsible for giving performance rating with more specific guidelines on performance rating, including listing the factors to be considered and trying to provide examples for reference.

(V) PROACTIVELY IMPROVING DESIGN OF PLAY AND FITNESS EQUIPMENT

5.21 It is stated in the 2019 Policy Address that "in view of the cramped living environment in Hong Kong, public open spaces in districts should provide interesting play areas for children." We opine that in the long run, HD should explore improving designs of playground facilities in PRH estates in future so as to accommodate the needs of the public.

5.22 As at September 2020, there were only seven contractors of facilities on the List of HD. Between 2015 and 2019, HD had received seven new applications for enlisting as the Department's contractors but so far only two applications succeeded. Although there are only a few major suppliers of playground facilities in Hong Kong, we expect that HKHA could be more proactive in exploring ways to bring in more contractors to provide more choices in procuring facilities. That will also increase competition among contractors, which might improve their performance in carrying out repair works (see **paras. 5.15–5.20**).

5.23 Currently, HD relies on the questionnaire distributed to new occupants of PRH estates to collect their views on the general facilities (see **paras. 2.6** and **2.7**) and the discussion during regular meetings of EMAC (see **paras. 2.19** and **2.20**). In our opinion, these could hardly gather residents' opinions on playground facilities in PRH estates or understand their needs regarding play and fitness equipment. HD might need to prepare a survey for soliciting views on the play and fitness equipment in PRH estates particularly, covering residents of different age groups so as to better understand the residents' comments on those facilities and enable HD to draw up design/procurement proposals that most suit users' needs.

5.24 Moreover, although playgrounds in PRH estates are mainly for residents of the estates, HD can still engage the community to gather opinions from different parties on the design or replacement of facilities. We notice that the Leisure and Cultural Services Department ("LCSD") and HKHA have been taking positive steps to enhance public leisure spaces in recent years. They also work together with other Government departments, agencies and organisations to introduce new concepts and elements of design when adding or replacing playground facilities in the parks, sitting-out areas and playgrounds under their management. Besides, they have organised different activities to encourage public participation in designing playgrounds[7]. Given their limited scale, playgrounds in PRH estates in Hong Kong cannot be compared direct with those public playgrounds at district level under the management of LCSD. Nevertheless, we opine that the development of playgrounds in PRH estates should not be limited by the space constraint. In fact, we notice that HD has joined hands with local organisations to engage the community by inviting artists, residents, people in the neighbourhood and students to participate in public art such as the Tung Chung Artwalk, Giant Mural at Cheung Wang Estate and Painted Stones in Sau Mau Ping (South) Estate[8]. We encourage HD to continue with its effort in this aspect and make reference to these examples and consider launching more channels for public engagement in the design of playgrounds in PRH estates. For example, HD can invite local organisations to give advice on playground setting, collect residents' views on renovation of facilities or adopt the proposals submitted in design competition by members of the public.

RECOMMENDATIONS

5.25 Based on the findings of this direct investigation, The Ombudsman has made the following recommendations to HKHA and HD:

(1) set reasonable time frames for estate management staff to report damage of facilities and for estate works staff to conduct inspections after receiving reports and issue inspection orders to the contractors (see **para. 5.6**);

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7 Examples are the inclusive playground in Tuen Mun Park, the project "City Dress Up: Seats · Together" organised by the Art Promotion Office and the "Intergenerational Play Space Design Competition – Prosperous Garden" launched by the Jockey Club Design Institute for Social Innovation of the Hong Kong Polytechnic University.

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(2) set reasonable time frames for the procedures on consulting other owners in PRH estates with divested properties on repairs of play/fitness equipment within the estates (see **para. 5.7**);

(3) establish an effective mechanism and specific measures for more stringent monitoring of the whole repair process regarding playground facilities in PRH estates (see **para. 5.10**);

(4) consider recording in the ERP System the dates on which damage is found and other procedures taken care of by HD's frontline staff are completed and the outcomes thereof (see **para 5.10**);

(5) strengthen the training of frontline staff regarding inspections of play and fitness equipment and provide clear and specific guidelines so that frontline staff will properly record and report damage of play and fitness equipment, engage contractors to follow up on repairs in a timely manner and provide residents with information about the repair works concerned and/or suspension of facilities as appropriate (see **para. 5.14**);

(6) monitor more proactively the commencement and progress of works after issuing repair orders for play and fitness equipment, and draw up guidelines to set out relevant instructions for estate frontline staff (see **para. 5.17**);

(7) review the existing system for monitoring contractors and promptly demand follow-up action and improvement by the contractors when problems are found, and discuss with CRC/BM and the Review Board on stepping up measures to monitor and manage the contractors with poor performance and increasing the penalty (see **para. 5.19**);

(8) set up a centralised review mechanism for checking the rating of contractors' performance by frontline works staff, and provide more specific guidelines on assessment criteria (see **para. 5.20**);

(9) explore ways to bring in more contractors to the List to provide more choices in procuring facilities (see **para. 5.22**); and

(10) consider introducing different methods to increase public participation in the design and procurement of play and fitness equipment in PRH estates so as to enhance the quality of leisure space (see **paras. 5.23** and **5.24**).

ACKNOWLEDGEMENTS

5.26 The Ombudsman thanks HKHA and HD for their full cooperation during the course of this investigation.

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